

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHELDON HANNIBAL

:
:

v.

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:

CIVIL ACTION NO. 13-cv-619

ROBERT GILMORE, et al.

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ORDER

This 6th day of October, 2021, following careful and independent consideration of the petition filed pursuant to 28 U.S.C. § 2254 by Sheldon Hannibal, Petitioner, the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, and the objections raised by Petitioner's counsel, it is hereby **ORDERED** that:

- 1) The Report and Recommendation is **APPROVED** and **ADOPTED**;
- 2) The petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED**;
- 3) A certificate of appealability is issued pursuant to 28 U.S.C. § 2253 as to two issues raised by Petitioner where he made a substantial showing of the denial of a constitutional right, and reasonable minds could differ about how to resolve the claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). These include:

1. Whether there is a reasonable probability that evidence suppressed in violation of *Brady v. Maryland*, 363 U.S. 83 (1963) would have materially impeached the credibility of the main witness, and;
2. Whether the trial was fundamentally unfair such that Petitioner was denied his right to due process, when the Commonwealth was permitted to introduce evidence of the murder of Tanesha Robinson, a witness against Petitioner, allegedly at Petitioner's behest.

/s/ Gerald Austin McHugh
United States District Judge